Draft Summary of the Environmental Work Group Meeting Oroville Facilities Relicensing (FERC Project No. 2100) January 23, 2001

The Department of Water Resources (DWR) hosted the Environmental Work Group meeting on January 23, 2001 in Oroville.

A summary of the discussion, decisions made, and action items is provided below. This summary is not intended to be a transcript, analysis of the meeting, or to indicate agreement or disagreement with any of the items summarized, except where expressly stated. The intent is to present a summary of the discussion for information purposes for interested parties who could not attend the meeting.

Introduction

- Attendees were welcomed to the Environmental Work Group meeting, and all participants introduced themselves and their affiliations. The Environmental Work Group meeting agenda and list of meeting attendees and their affiliations are appended to this summary as Attachments 1 and 2, respectively. Flip chart notes are included as Attachment 3.
- The facilitator provided a brief update of the Plenary Group meeting held on January 18, 2001.
 A summary of the Plenary Group meeting can be viewed on the Oroville Facilities relicensing
 web site at http://OrovilleRelicensing@water.ca.gov. Summaries are posted to the web site
 within fifteen days of the meeting and are also available by calling the Oroville Facilities
 relicensing toll free number at 1-866-820-8198.
- The Facilitator reminded Environmental Work Group participants of their responsibilities under the Ground Rules. The Ground Rules were established and accepted by the Environmental Work Group to discuss and resolve issues throughout the relicensing process. The Facilitator mentioned that almost every Ground Rule had been violated since their inception. Each Environmental Work Group participant was encouraged to keep the Ground Rules in mind before committing an action and cautioned that the Ground Rules are more difficult to adhere to than most would assume.

Action Items - December 7, 2000 Environmental Work Group Meeting

• The Facilitator informed the Environmental Work Group that the summary for the December 7, 2001 meeting had been posted to the relicensing web site. The Facilitator invited participants to provide corrections in substance or format. Comments will be responded to and posted on the relicensing web site as an addendum to the summary.

The Facilitator reviewed the status of action items from the previous Environmental Work Group meeting.

Action Item #1: Follow-up with potential participants who did not attend the meeting.

Status: DWR contacted two regional environmental Non-Governmental Organizations and

the Bureau of Land Management (a Federal agency with mandatory conditioning authority) to encourage them to participate in the Environmental Work Group. They have monitored activities through the Oroville Facilities relicensing web site and indicated they would try to attend future meetings. Environmental Work Group participants were asked to identify groups that have not attended meetings but

should be a part of the relicensing process.

Action Item #2: Participating agencies to develop a fact sheet to include: mandatory conditioning

authorities, policies and/or guidelines applicable to the FERC process. What is their

statutory authority?

Status: Agencies will give presentations at today's meeting.

Action Item #3: Provide a briefing to the Work Group regarding operation of Oroville Facilities.

Status: DWR will give a presentation at today's meeting.

Action Item #4: Request that FERC report to the Plenary Group with a summary of their relicensing

responsibilities.

Status: FERC representative made presentation to the Plenary Group. Please see

Janaury 18, 2001 Plenary Group meeting summary for details.

Action Item #5: Department of Fish & Game report to Work Group regarding Infectious

Hematopoetic Necrosis (IHN) Disease.

Status: Bill Cox of the Department of Fish and Game provided an update on the status of

IHN monitoring and control efforts at Lake Oroville at today's meeting.

Action Item #6: Participants with additional Environmental Work Group issues should send them to

DWR staff prior to the next meeting.

Status: Department of Fish and Game sent in additional issues. All Environmental Work

Group participants were encouraged to continue submitting issues.

Infectious Hematopoetic Necrosis (IHN) Disease

Bill Cox, pathologist with the California Department of Fish and Game, provided the Environmental Work Group with an overview of IHN, including current monitoring and control efforts at Lake Oroville. IHN is a naturally occurring virus that primarily attacks Chinook salmon and to a lesser degree steelhead trout. The disease affects fish in cold-water causing anemia and kidney failure. Mortality rates among infected fish can be up to 95%. The disease was first discovered in hatchery fish in 1960 and has been recorded in lake fish and fish returning from the ocean. IHN had been controlled in hatchery fish by disinfecting eggs and improved propagation practices. The disease occurred in Lake Oroville in 1998 and 2000 and was associated with plantings of large Chinook salmon. IHN appears to have been present in Lake Oroville, but required large numbers of fish to spread.

The State Department of Fish and Game has a three-part management plan to help reduce or eliminate IHN outbreaks in Lake Oroville as follows: (1) continue hatchery practices that eliminate IHN in planted fish; (2) suspend stocking of Chinook salmon for one to two years; and (3) closely monitor the watershed for IHN. Additionally, the Department of Fish and Game may introduce alternate species for Lake Oroville sports fishing activities (Coho salmon and lake trout). Finally, once stocking of Chinook salmon into Lake Oroville is resumed stocking levels will be significantly below 1998 and 2000 levels.

Bill added that current monitoring was limited to the hatchery, Lake Oroville, and the lower Feather River. An expanded monitoring program will be initiated once funding and personnel are obtained.

The full text of the IHN report was provided to Environmental Work Group participants and is appended to this summary as Attachment 4.

 One Work Group participant asked whether the public would be involved in any decisions regarding fish stocking levels. Bill was not sure if the general public would be invited to participate; however, ORAC has been commenting on the program since it was started.

Agency Presentations

In response to a request at the December 7, 2001 Environmental Work Group meeting, several participating agencies presented information regarding their statutory authorities, plans, or policy documents that might guide their participation in the relicensing process; they also identified issues that would be critical to the relicensing process. The following discussion lists the agency,

presenter, and significant points. All handouts distributed to the Environmental Work Group are appended to this summary as Attachments 5 through 10.

National Marine Fisheries Service (NMFS) – Steve Edmondson (See Attachment 5)

 Environmental Work Group participants questioned how NMFS would coordinate their responsibilities under the Federal Power Act and Endangered Species Act (ESA) and provide the group with guidance early in the relicensing process. Steve responded that NMFS recommendations should come through the relicensing process as it moves forward, and he would coordinate ESA oversight as settlements are reached to avoid late submission of issues.

US Fish & Wildlife Service (FWS) – Mike Morse (See Attachment 6)

- The Environmental Work Group discussed the extent of FWS mandatory conditioning. The
 group asked whether FWS authority included lands adjacent to the project, within the FERC
 project boundary, and within the lake itself. Mike responded that FWS authority includes both
 lands within and adjacent to the FERC project boundary. He added that lake habitat would
 also be included since FWS is charged with conserving habitat and species under ESA; this
 includes disease monitoring.
- One participant asked Mike to elaborate on how ESA will work within the guidelines of the relicensing process. Mike responded that as much guidance as possible regarding ESA would be provided to the Environmental Work Group during the relicensing process. He added that some provisions of ESA fall outside of the relicensing process. For example, the licensee provides FWS instream flow information as part of the Environmental Assessment (EA). FWS reviews the information and produces a Biological Opinion (BO). FWS requests input from all interested parties, and the relicensing process represents a forum for public involvement. Both FWS and NMFS will develop issues regarding ESA as the relicensing process proceeds. Mike explained that the BO is written at the end of the relicensing process but could include settlement agreements the Environmental Work Group agrees upon.
- One participant stated that many of the impacts of constructing the dam were not mitigated
 when the dam was built. She asked if FWS would address current conditions to include public
 and Native American issues. Mike stated that current conditions would be considered,
 however, mitigation cannot be developed based on the pre-project environment. He added that
 the Environmental Work Group provides the best forum to place issues on the table for
 discussion.
- Several Environmental Work Group participants indicated that agency staff used too many technical terms and acronyms and had the potential to truncate public involvement. Agency staff agreed to avoid using so many acronyms. DWR staff recognized certain subject matter could be confusing and that participants should ask, at any time, for clarification on an issue. Environmental Work Group participants were advised that there was an acronym index available on the relicensing web site and could be updated as necessary.

US Forest Service (USFS) – Mike Taylor (See Attachment 7)

- One Work Group participant wanted to know where the planning documents discussed in the
 presentation could be viewed. Mike responded that the Forest Plan and other related planning
 documents were available at the Forest Supervisor's Office. He added that any policy
 documents would be made available to the Oroville Facilities Public Reference File.
- Participants discussed the possibility of the Regional Forester altering agreements recommended by the Environmental Work Group. Mike stated that as long as the agreements

developed by the Environmental Work Group fell within the guidelines outlined in the policy documents the Regional Forester would likely accept the recommendations.

 One participant asked whether rafting on the North Fork and agreements made as part of the Rock Creek-Cresta relicensing effort would be reflected in the Oroville license application. Mike stated that any issue the Environmental Work Group felt was important would be pursued including North Fork rafting. He added that agreements that are part of the Rock Creek-Cresta license would be available to the Work Group as well. He stressed that the group should concentrate on the Oroville Facilities relicensing process.

State Water Resources Control Board (SWRCB) – Sharon Stohrer (See Attachment 8)

 One participant asked if SWRCB policy documents could be made available to the Work Group. Sharon responded that all of the SWRCB policy documents, including the Basin Plan, were available on their Board's web site. She added that they would be made available to the Oroville Facilities Public Reference File. DWR staff added that summaries of the plans discussed in the presentation were also in the Initial Information Package.

Department of Fish & Game (DFG) – Mike Meinz (See Attachment 9)

Mike indicated that DFG had recommendation authority not mandatory conditioning authority.
He added that DFG is very active in the scoping process recommending types of studies and
information that would be useful to include in the new license. He stressed that public input is
valuable and makes for a better process.

Department of Parks and Recreation (DPR) – Woody Elliot (See Attachment 10)

 Several Environmental Work Group participants asked about the status of property operated by DPR and fire issues at Lime Saddle and the diversion pool. DWR responded that these issues had already been identified and would be considered by the Environmental Work Group for further study.

Initial Information Package

The Initial Information Package (IIP) was distributed to the Environmental Work Group. DWR informed meeting participants that the complete IIP would be posted on the web site. Environmental Work Group participants were informed about the following three items:

- Figure 1-1 was not available when the IIP was printed; it will be made available to all
 participants listed on the sign-in sheet.
- Page 229 was not included in the IIP but will be available on the relicensing web site for downloading.
- Participants were asked to review the IIP and provide DWR with any comments.

Project Facilities Operation

John Leahigh of DWR provided the Environmental Work Group with an overview of Oroville Facilities operations. A detailed description of project operations can be found in Section 3.0 of the IIP.

John told Environmental Work Group participants that Lake Oroville is a key component of the State Water Project (SWP) and was built primarily for water supply and flood control. Other benefits of the reservoir include recreation, environmental needs, and power generation. The SWP captures and stores water during the winter and spring and transports and delivers water throughout the year to 29 State Water Contractors. John described the control and release of water from the SWP referencing flood control, environmental, power generation and water supply

criteria. He explained how winter and spring rain and snowmelt provide water to the lake and why the current water level is so low. He also described factors that may impact reservoir levels in the future such as increased diversions to the Feather River Service Area, environmental needs, and changes in flood control protocols. It was emphasized that hydrology (rainfall and snowmelt) plays the biggest role in determining lake levels at any given time and that average or above average rainfall years are more than adequate to refill the lake.

- Environmental Work Group participants questioned recent SWP water releases which contributed to filling a reservoir in Southern California (Diamond Valley). One participant added that the low lake level negatively impacts Oroville's recreation-based economy. John explained that Diamond Valley is a Metropolitan Water District facility, and MWD is a State Water Contractor. He added that most of the water released originated from San Luis Reservoir, and releases from Lake Oroville made up the difference. He also explained that normally the lake would refill after average winter rainfall, but this winter so far has been dry. He noted that MWD's request for water to fill Diamond Valley complied with their SWP allocation.
- Several Environmental Work Group participants discussed the City of Oroville's water rights arrangements and local farmers' ability to sell water. One participant requested the City of Oroville to explain their water rights at the next Environmental Work Group meeting.

Existing DWR Studies -- Lower River Fish

Brad Cavallo of DWR briefed the Environmental Work Group on studies currently underway in the lower Feather River that may be beneficial to the relicensing process (Attachment 11). He mentioned that information needs for the Endangered Species Act and water rights permits are driving many of the study efforts at this time. Major issues include water temperatures, river flow, and hatchery operations. Brad briefly described the range of studies underway and the study methods employed. He added that most of the studies were being conducted in cooperation with DFG. Brad mentioned that an instream flow study was done in 1992, but might need to be updated after changes in the stream channel occurred during the 1997 flood.

Environmental Work Group participants discussed a variety of issues including sediment in the
lower Feather River and the possibility of dredging selected locations in the lower river. Brad
responded that both issues were being considered but dredging the river was very difficult due
to its potential impact on spawning beds. DWR staff added that dredging the river to avoid
bank erosions was brought up as an issue for the group to consider for inclusion in the Scoping
Document.

Existing DWR Studies – Lake Oroville

Eric See from DWR briefed the Work Group on studies currently underway in Lake Oroville that may be beneficial to the relicensing process (Attachment 12). Eric stated that DFG and DWR are concentrating on studies related to habitat enhancement and fish stocking (including IHN infection in salmon). He cited two current studies that include an assessment of stocking Florida bass in Lake Oroville and a recreational fishery evaluation. DWR is considering stocking Florida Bass in Lake Oroville because they are harder to catch and therefore grow larger.

Existing DWR Studies – Water Quality

Jerry Boles of DWR summarized DWR and other agencies' water quality monitoring stations downstream, in and above Lake Oroville. These include water temperature, nutrients, heavy metals, and contaminants.

One participant asked whether Lake Oroville water was sampled for mercury and MTBE. Jerry
responded that mercury samples were being taken in the tributaries and would be taken in the
lake (water column samples not sediment samples). Lake Oroville is monitored for MTBE as

well. He added that MTBE levels in the lake vary with boating season activities and are high during the summer and low in the winter.

Next Meeting

The Environmental Work Group agreed to the following date and time for their next meeting:

Date: Tuesday, February 27, 2001

Time: 9:30 a.m. to 3:00 p.m. Location: To be announced

The Environmental Work Group meeting was adjourned at 3 p.m.

Agreements Made

- 1. Use plain language when describing technical issues. Avoid using acronyms.
- 2. Participants agreed to review the IIP and develop additional issues for the Scoping Document.
- 3. The Work Group agreed to meet on February 27, 2001 and March 20, 2001 from 9:30 a.m. to 3:00 p.m. Meeting location will be announced.

Action Items

The following list of action items identified by the Environmental Work Group includes a description of the action, the participant responsible for the action, and item status.

Action Item #1: Presentation by Native American Tribes regarding their responsibilities in the

FERC relicensing process.

Responsible: Tribal representatives **Due Date:** February 27, 2001

Action Item #2: Response by the City of Oroville regarding their water rights.

Responsible: City of Oroville **Due Date:** February 27, 2001

Action Item #3: Response by DWR regarding demand projections on SWP resources.

Responsible: DWR

Due Date: February 27, 2001

Action Item #4: Review IIP and develop additional issues for Scoping Document.

Responsible: Environmental Work Group participants

Due Date: February 27, 2001